





DECLARATION
OF THE
ROMAN CATHOLIC LAITY
OF
ENGLAND.

LONDON :

HENRY LUCAS, PRINTER, 3, BURLEIGH STREET, STRAND.

1851.

DECLARATION.

WE, the undersigned Roman Catholic Laymen of England—seeing that a bill is now under the consideration of Parliament, which threatens to inflict penalties on the Roman Catholic Prelates and Ecclesiastics of Great Britain and Ireland, for using or bearing their proper ecclesiastical titles, as Bishops, or Deans, of the sees, or deaneries, over which they preside, and to confiscate to the Crown all property which may hereafter be devised or bequeathed to them by their ecclesiastical titles;—seeing that the effect of this measure will be to subject the Catholics of this country to losses and penalties for the exercise of rights, which are—and by the Law-advisers of the Crown have been declared to be—legally theirs, viz., the acknowledgment and use by themselves and their Prelates of ecclesiastical titles other than those already appropriated to the Protestant Establishment;—seeing, also, that a violent agitation on religious matters has for some months pervaded this country, during which all that we hold most sacred, our religion, our pastors, our loyalty and our integrity, have been insulted and attacked;—seeing that all these and other threatened persecutions are alleged to be founded on the Act of our Holy Father, Pope Pius the Ninth, who, in the month of September last,—exercising a power that belonged to him alone, and by virtue of an authority purely spiritual, and which no Catholic in dispute,—was graciously pleased to effect certain changes in the ecclesiastical system hitherto in force among the Catholics of England;—we now feel called upon, in the face of God, and of our country, and of the whole civilised world, TO PROTEST AGAINST ANY INTERFERENCE WHATSOEVER WITH OUR RIGHT TO THE UNFETTERED EXERCISE OF OUR RELIGION; and particularly against the gross and manifest violation of our religious freedom now threatened, in direct contravention both of the spirit and letter of the Emancipation Act, and of subsequent statutes, and in open defiance of Her most gracious Majesty's expressed resolution to maintain unimpaired the religious liberties of her subjects. And that this, our Protest, may carry with it greater weight, and that all men may know how false and frivolous are the pretences for this invasion of our rights, we have resolved upon publishing the following DECLARATIONS.

First, then, We declare, that according to the principles and doctrines

of our holy religion, the Bishop of Rome is the Chief Pastor and Ruler of the Church, and the supreme earthly Head thereof ; and that an essential part of this supremacy consists in his right of conferring spiritual and ecclesiastical jurisdiction on the Bishops of the Church ; and of assigning to them portions of territory, called dioceses, as the limits within which such jurisdiction shall be exercised ; and of appointing each Bishop to an episcopal chair, or see, within such diocese, as the seat of the spiritual and ecclesiastical government of the Church, or body of the Faithful, within such diocese ; thereby authorising each Bishop to designate himself as (that which, in fact, he is) the Bishop of such see, and to assume and use the title thereof, by which his place and rank and office in the Catholic Church and among its pastors may be known and recognised. And we further declare that this right belongs to the Bishop of Rome in his spiritual and ecclesiastical character, as successor of the blessed apostle St. Peter, and is in nowise connected with or dependant upon his character as a temporal prince : and we declare that, as the power thus exercised by the Holy Father is of a spiritual and ecclesiastical nature, so the power imparted to the Bishops, the jurisdiction given, and the sees and titles granted to them, are purely spiritual and ecclesiastical, and confer no temporal rank, precedence, or dignity whatever.

II. We declare that in some countries, and in our own before the change of religion in the sixteenth century, where, by the law of the land, temporal possessions and offices, and civil power, rank, and dignity were annexed to the episcopal function, (so that on the appointment of a Bishop he contracted new temporal obligations to the Sovereign, and acquired a civil status different from other subjects, both the State and the Church did claim an interest in and exercise power over the Bishops and sees of the Church, forasmuch as acts done or changes made in their regard did then, by the law of the land directly affect the temporalities of the realm : but we declare that the State never did at any time or in any country possess the right to interfere with the appointment, jurisdiction, see, or title of a Bishop, a Bishop of the Church, or on account of his spiritual or ecclesiastical character and office, but solely on account of the temporal privileges and duties which by law had been annexed to the episcopacy : and therefore we declare that, since there is no analogy between such cases and the present, inasmuch as our Bishops have acquired by their appointment a new civil status, and possess, as Diocesan Bishops, no temporal privilege, power, or pre-eminence whatsoever, the arguments founded on this false analogy, by which the threatened interference is sought to be justified, are of no weight whatever, and have no real bearing on the question.

III. We deny that any general European law exists whereby (as it is pretended) the right of creating Bishoprics and Bishops is inherent in and dependant on the civil power. And we declare that the exercise of the spiritual authority of the Pope, belonging to him as the successor of St. Peter, can only be limited by his own free act or concession. W

declare, also, that in some countries the Supreme Pontiff has, accordingly, been pleased, by treaty, concordat, or stipulated terms, in return for recognition or privileges bestowed by the State upon the Church, to allow the State to participate in the appointment of Bishops, or the regulation and division of their dioceses; (which acts, however, always emanated from himself :) but we declare that, as no treaty, concordat, or stipulation has been entered into or exists between the Government of this country and the Holy Father, therefore the arguments founded on the false analogy between such cases and the present, in favour of a legislative enactment against us, are nothing but colourable pretexts for persecution.

IV. We declare, that the Holy Father Pope Pius the Ninth, by redividing the Apostolic Vicariates, which had by his predecessors been created in this country, into one archdiocese and twelve dioceses; and appointing to them as Bishops, with ordinary powers in the Catholic Church, the Prelates, whom, as Vicars-Apostolic, with extraordinary episcopal powers, we had been accustomed to revere and obey, did not in any way, directly or indirectly, commit any aggression upon, or offer any insult to, either the Sovereign or the people of this country.

V. We declare that the recent change in our ecclesiastical system, useful and desirable as it was with regard to Catholics, did not in the slightest degree injure or affect our Protestant fellow-countrymen, or operate any change in their relations with Catholics. Further, inasmuch as, before the recent arrangements, the country had been divided by the Supreme Pontiff into territorial districts with local limits, called Apostolic Vicariates;—inasmuch as ecclesiastical titles from places within the kingdom had been assumed and used, viz. those of Vicars-Apostolic of the London, Lancashire, Yorkshire, and Welch districts;—inasmuch as the Prelates filling those offices were appointed by the Pope;—inasmuch as it is absolutely false that the claims to spiritual authority of the Vicars-Apostolic were less extensive (as has been pretended) than those of the Diocesan Bishops:—therefore we declare that any justification for the proposed penal enactment, on the ground that a novel and unprecedented extension of the claims of the Catholic Church has been attempted, by the nomination of our Bishops, by parcelling out the land of the country, and by conferring ecclesiastical titles and dignities from places within the realm, is merely specious, and wholly unfounded both in fact and reason.

VI. We declare, that the recent creation of our Catholic Hierarchy has not in any way impaired or affected the civil or temporal supremacy of Her most gracious Majesty, or lessened in any way the dependance of Her Majesty's subjects, whether Catholic or Protestant, on Her Majesty's Courts of Justice, or introduced any rule or law, or code of laws affecting any rights or properties whatsoever, in contravention of or in derogation from the laws of the land. On the contrary, we declare our

full belief that Her Majesty's Courts preserve, since the establishment of the Hierarchy, exactly the same powers that they possessed before, of adjudicating on and determining questions involving the rights and property of Her Majesty's subjects. Moreover, seeing that Her Majesty's Courts of Justice, exactly as they have hitherto done, will still continue to inquire and to ascertain by evidence what are the religious or ecclesiastical laws and usages of Catholics, Dissenters, Unitarians, and others, and to make these laws and usages thus ascertained the bases of their decisions on all questions depending on them, whether with regard to trusts or other rights, provided such laws and usages do not contravene or prove inconsistent with the laws and constitution of the realm ;—seeing that her Majesty's Courts, exactly as they have hitherto done, will still continue to refuse to adopt, sanction, or enforce any ecclesiastical law or religious usages that may contravene or prove inconsistent with the laws and constitution of the realm ;—seeing that thus the establishment of our Hierarchy has not made, or affected to make, the slightest alteration in the principles or practice according to which Her Majesty's Courts adjudicate upon and determine questions involving the rights and property of Her Majesty subjects ;—we do therefore declare, that any alleged necessity for exceptional legislation with regard to Catholic rights and property, supposed to arise from the establishment of our Hierarchy, has no real existence, and is unworthy of serious notice.

VII. We reject with the utmost scorn and indignation the imputation that we wish for any interference between our revered Prelates and ourselves, or require any protection for our rights and property against them and the powers conferred by the Hierarchy. We regard every attempt made to represent a penal law against our Bishops as a measure passed for our benefit and at our request, as an attack upon our honour. And we make this statement for the express purpose of depriving any person who may again hazard these insinuations (whether he be a professed enemy to our religion or a secret foe within our own body) of all credit and attention. Moreover, we protest most strongly against the glaring impropriety of founding measures against the Catholic Bishops, Clergy and Laity, on secret or anonymous information, or on any statements, except such as shall be made openly and in a manner which will enable us to refute them if untrue.

VIII. We declare that the government of the Catholic Church, through a regularly constituted Hierarchy of Diocesan Bishops, is the only normal and perfect condition of the Catholic body. The government by Vicars-Apostolic we assert to be abnormal and provisional, and to owe its origin amongst us solely to the religious persecution which so long disgraced the country. We declare that it was never established except from necessity, or meant to be continued after circumstances should permit a return to the ordinary form of government. We declare that its duration in this country has been due to the enfeebled state of our body after a long and cruel persecution ; and we utterly deny that it ever was

seemed in itself, or is now by us considered preferable or even equivalent to government by Diocesan Bishops. And therefore we declare, that any attempt by legislative interference, much more by a new penal law, to deprive us of our Hierarchy, or to impede or hamper its free action amongst us, is a direct act of persecution and a violation of our liberties as Englishmen.

IX. We declare, that inasmuch as by our religious principles as Catholics we are bound, and as by our rights as Englishmen we are entitled, to maintain the spiritual and ecclesiastical supremacy of our Holy Father the Pope over the Catholic Church ;—inasmuch as, by necessary consequence, we are bound to recognise and obey as our lawful ecclesiastical superiors the Metropolitan and Bishops under whom, by the valid exercise of a power which belongs to himself alone, we have been placed ;—inasmuch as a refusal on our parts to recognise them, their jurisdiction, their titles, or their sees, would, according to our conscientious belief, be a wrongful act, and a breach of the bond of unity which indissolubly binds us to the See of Rome ;—therefore any legislative enactment subjecting any Catholic, whether Bishop, cleric, or layman, to punishment or loss, for his free and willing obedience to the authority of his Church, or prohibiting his full and entire compliance with the ordinances of the Supreme Pontiff, concerning the restoration of our Hierarchy, will be by us considered as an unjust and oppressive infringement of the rights of conscience.

Lastly, having regard as well to the proposed law as to the many monstrous and tyrannical schemes and measures which, during the recent agitation, have been proposed and suggested for our oppression ;—considering that small and vexatious interferences with freedom of conscience involve the whole principle of religious persecution, and may be used as precedents and excuses for the most intolerable tyranny ;—holding also that our religious freedom is the dearest and most valuable of our rights, as the one for whose sake we and our ancestors have borne and suffered most, so as not to shrink from the sacrifice of our civil and political privileges, our property and our lives in its defence ;—remembering, moreover, that not we only are attacked, but that millions of our Irish Catholic fellow-subjects are engaged with us in defending our common cause :—we do solemnly declare that we are firmly determined, for their sakes as well as for our own, to resist, by every legal and constitutional means within our power, every attempt to deprive either ourselves or them of the least portion of our religious liberty.

SUBSCRIBERS' NAMES.

The Earl of Shrewsbury
 The Earl of Newburgh
 Viscount Southwell
 Lord Stourton
 Lord Vaux of Harrowden
 Lord Petre
 Lord Arundell
 Lord Dormer
 Lord Stafford
 Lord Clifford
 Lord Lovat
 The Hon. Edmund Plunkett
 The Hon. George Plunkett
 The Hon. Charles Hugh Clifford
 The Hon. Simon Fraser
 The Hon. Philip Stourton
 The Hon. William Stourton
 The Hon. Charles Langdale
 The Hon. Charles Thos. Clifford
 The Hon. George Fraser
 Sir Edward Doughty, Bart.
 Sir Charles Wolseley, Bart.
 Sir Edward Blount, Bart.
 Sir Robert Throckmorton, Bart.
 Sir James Fitzgerald, Bart.
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 Sir Thomas Rokewode Gage, Bart.
 Sir Piers Mostyn, Bart.
 Sir Clifford Constable, Bart.
 Sir William Lawson, Bart.
 Sir Charles Tempest, Bart.
 Sir Thomas de Trafford, Bart.
 Sir Arnold Knight, Knt., M.D.

Acton, William, of Wolverton
 Amherst, William Jos., Barrister at
 Law

Anderson, Robert, Barrister at Law
 Anderson, T.
 Anderton, William Ince, Euxton
 Hall
 Arden, Henry A., Dorchester
 Arundell, Renfrick
 Armstrong, John, Newmarket
 Aspinall, John, Barrister at Law
 Bagshawe, Henry R., Barrister a
 Law
 Bagshawe, Wm. H. G., Barrister a
 Law
 Bailey, Samuel, Newcastle
 Baillie, R.
 Barnewall, William, London
 Barron, J., Newcastle
 Batty, Thomas, Dudley
 Bellasis, Edward, Serjeant at Law
 Benson, Terence, Surgeon, St. Alban
 Berkeley, Robert, of Spetchley Par
 Berkeley, Robert, jun., of Spetchle
 Park
 Berkeley, Henry, of Spetchley Par
 Berkeley, Swinbourne F.
 Bird, E. M., Major, Bath
 Bird, Lieut.-Colonel
 Berington, Chas., of Little Malvern
 Blount, Michael H., of Maple Dun
 ham
 Blount, Michael, jun., of Mapl
 Durham
 Blount, Walter, London
 Blount, Walter Aston, Herald's Co
 lege
 Blount, Charles, Usk
 Blount, George, London
 Blount, Michael J., London

- Mount, Alfred, Barrister at Law
 Mount, Gilbert
 Blundell, Thomas Weld, of Ince
 Blundell
 Blundell, William, of Crosby
 Blundell, Nicholas, of Crosby
 Blundell, Richard, Dacre Hill, Cheshire
 Bodenham, Charles, of Rotherwas
 Bodenham, Charles de la Barre, of Rotherwas
 Bosock, Robert
 Bosock, Robert, jun., Newmarket
 Bowdon, Henry, of Southgate House
 Bowdon, John Butler, of Plessington Hall
 Bowyer, George, D.C.L., Barrister at Law
 Bradshaw, Arthur Dymoke, Southampton
 Bradshaw, J. F., Leamington
 Bridges, Matthew
 Brockholes, Francis Fitzherbert
 Buckle, William, Clifton
 Butler, N. E., London
 Butler, Evan, Preston
 Byrne, John
 Byrne, John, jun.
 Bulmer, H. Taylor, Sheffield
 Byron, Samuel Standidge, of West Ayton
 Charlton, Francis, of Hesley Side
 Charlton, Edward, M.D., Newcastle
 Clavering, E. J., of Callaly Castle
 Cholmeley, Francis, of Brandsby
 Constable, Talbot Clifford, of Burton Constable
 Clarke, William P., London
 Clements, Charles, Liverpool
 Coghlan, Thomas Lloyd
 Coghlan, John, London
 Colegrave, William, Bruges
 Conaty, Thomas, Baslow
 Cooke, John A., Barrister at Law
 Cull, Joseph A., London
 Daggett, William, Solicitor, Newcastle
 Dashwood, Charles R.
 Davidson, William, Newcastle
 Daly, John, Newmarket
 Darnell, Robert Mowbray, York
 Davis, R. K., London
 Day, John C. F. S., Barrister at Law
 Day, T. E., Bath
 De Zulueta, Pedro
 Debary, Richard Brome, Weston Hall
 De Trafford, Charles Cecil, Barrister at Law
 Dearsley, H. Richard, Barrister at Law
 Dempsey, Henry
 Denman, S. D., B.C.L.
 Dillon, Edward
 Dodds, Robert, Newcastle
 Doyle, John, London
 Doyle, Richard, London
 Doyle, James, London
 Doyle, Henry, London
 Doyle, Gregory, Bristol
 Dunn, Matthias, Newcastle
 Dunn, Archibald, Clifton
 Driver, A. E., Stroud
 Doyle, William, Bristol
 Dowling, Thomas
 Drakes, T.

Eyre, Thomas Joseph, Bath
 Eyston, Charles John, of East
 Hendred
 Eyston, Ferdinand, of Overbury
 Eyston, Robert, London
 Eagan, John
 English, A., Huddlestons
 Ellerker, Thomas Joseph
 Evans, Lloyd

Ferrers, Marmion Edward, of Bad-
 desley Clinton
 Fielding, Gabriel John
 Finnely, Wm., Barrister at Law
 Finlason, Wm., Sp. Pleader, Temple
 Fitzherbert, Francis, Clifton
 Fidler, Thomas, Rowland
 Fagan, John, Kensington
 Farren, John, Newcastle
 Fenton, John, Newcastle
 Fleming, James, Barrister at Law
 Fleming, Edward, Newcastle
 Fletcher, Robert, Edgebaston
 Ford, James, Clifton
 Forster, T. Ig. Mar., M. D.
 Frith, W. H.
 Furniss, Peter, Pilsby
 Furniss, William Henry, Liverpool

Gandolfi, T. V., Foxcote
 Gascoyne, George, Bakewell
 Gairn, Edward, London
 Gawthorne, William Rees, West-
 minster
 Gerard, Frederick, Aspnill House
 Gibson, Michael, Leamington
 Gibson, Charles Austin, Clifton
 Giles, William, South Shields
 Gillow, Richard Thomas, Leighton
 Hall
 Gillow, William, Clifton
 Gorman, Edmund, London
 Goulding, Robert Edmund, New-
 market
 Greves, J. E. H., Stratford-on-Avon
 Gretton, George
 Greeness, Edmund C., Newark-on-
 Trent

Green, Edwin
 Green, William, Bristol
 Green, John, Bristol
 Grimes, Edmund George, London
 Hall, John, Hampstead
 Hall, John George, Hampstead
 Hanford, Compton J., of Wollas
 Hall
 Hansom, Charles, Clifton
 Hardman, John, Birmingham
 Harrison, E. Nolan, Forest Green
 Heald, H. G. A.
 Herbert, John Arthur, of Llanarth
 Court
 Hercy, Thomas, Barrister at Law
 Hibbert, J. H. Washington, of Bilton
 Grange
 Howard, P. H., of Corby, M. P.
 Holmes, Adam, Eyam
 Hornyhold, Thomas Charles, of
 Blackmore Park
 Huddlestons, Edward, of Sawston
 Hall
 Hubbard, John, Calver
 Hunloke, James, of Wingerworth
 Hughes, James, Liverpool
 Hughes, Thomas, Liverpool

Jerningham, Frederick
 Jones, William, of Clytha, Mon-
 mouthshire
 Jones, Philip, of Llangattock
 Jones, Edward, Clifton
 Jones, Wyborne, Clifton

Keane, David D., Barrister at Law
 Keating, Thomas, London
 Keating, P.
 Kent, William Charles Mark, Lon-
 don
 Ker, Joseph, Middle Temple
 Keon, Miles Gerald, London
 King, John D., Barrister at Law
 King, Edward, Bath
 King, George

rnan, Francis, London
 sopp, James, of the Spittal
 by, James, Barnard Castle
 app, George James, Bath
 ight, John, Cannington

 mb, Thomas March, Middleham
 mb, John, Barnard Castle
 mbert, Thomas
 ngdale, Charles, Houghton Hall
 ngdon, George, Rotherwas
 wson, John, Brough Hall
 e, Daniel, Salford
 eming, William B., Salford
 eming, Henry, Barrister at Law
 eslie, C. S., jun., of Balquhain
 eming, John G.
 eming, Edward
 eming, Charles
 ee, George Edward, Clifton
 eonard, P. M., Barrister at Law
 ey, H. Roake, London
 omox, James, Clayton
 owther, George, Hull
 escher, William Joseph, London
 eigh, William, Woodchester Park
 eigh, William, jun., Clifton
 awson, John, Barnard Castle
 ott, H. B., Malvern
 ynch, George, Clifton
 ongstaff, Owen, Barnard Castle
 ynch, J. H., London

 Maxwell, William Constable, of
 Everingham Park
 Maxwell, Marmaduke Constable, of
 Terregles
 Maxwell, Henry Constable, of Scar-
 thingwell
 Mac Intosh, J., Bristol
 Macdonnell, Lieut.-Colonel, late 79
 Highlanders
 Mac Mahon, P., Barrister at Law
 Mason, Captain Lang, late 8 Hussars
 Magee, Michael
 Manley, George

Manley, George, jun.
 Matthews, Henry, Barrister at Law
 Maskell, William, Clifton
 Markland, Thomas, Clifton
 Marsh, John, Westminster
 Mac Carthy, J.
 Marsland, James, Clifton
 Mac Dermot, E. D., Bath, M.D.
 Meynell, Thomas, of Kilvington
 Middleton, Peter, of Middleton
 Lodge
 Middleton, Charles, Middleton
 Lodge
 Middleton, John
 Middleton, Francis, Park Hall
 Molloy, Philip B., Blackburn
 Monington, Thomas, of Sarnesfield
 Court
 Murphy, Francis S., Serjeant at
 Law, M.P.
 Mostyn, Edward H.
 Mostyn, Henry, London
 Moorat, S., Bath
 Moore, Edward, Dursley
 Morley, John
 Murphy, Denis
 Murray, C. R. Scott, of Danesfield
 Mousley, Charles Edward, Haunton
 Hall
 Munster, Henry, Barrister at Law

 New, Francis Thomas, London,
 M.A.
 New, F. C.
 New, M.
 Northcote, T. Spencer, Clifton
 Nicholson, William, Woolston Lodge

 Owen, Eugene, Southampton, M.D.
 O'Brien, John, Clifton
 The O'Driscoll

 Pagliano, Charles James
 Parsons, D. Benbrook, M.A.

Pattison, Thomas, Newcastle
 Peake, John E., Woodchester
 Petre, Edward, Dunkenhalth
 Pearce, Robert R., Barrister at Law
 Phillipps, Ambrose Lisle, Grace Dieu
 Manor
 Phillipps, R. Biddulph, Longworth
 Plowden, William, of Plowden
 Poncia, John, Birmingham
 Porter, Charles, of the Myrthe
 Powell, William, Birmingham
 Powell, James, Birmingham
 Pownall, Henry, London
 Purcell, Lyndsey, Barrister at Law

Rayner, William, Tolington
 Rees, John
 Rea, William
 Reade, James
 Riddell, Thomas, of Felton Park
 Riddell, Charles, Alnwick
 Riddell, Walter, London
 Reynolds, Reginald, Clifton
 Rogers, William R., London, M.D.
 Rolph, Thomas, Portsmouth
 Robertson, James Burton, Barrister
 at Law
 Roope, William, London
 Ross, J. G., London
 Rosson, John, of Moor Hall
 Ryan, John, Liverpool
 Ryan, Luke John, Liverpool
 Ryder, George D.

Salvin, M. C., of Burn Hall, Durham
 Salvin, F. H., of Killingbeck Hall
 Scroope, Simon J., of Danby
 Scroope, S. J., jun., of Danby
 Scoles, Joseph
 Scanlan, Edward, M.D.
 Scott, Henry Frederick, Newcastle
 Segar, R., Barrister at Law
 Shea, Alexander B., Barrister at
 Law

Shee, William, Serjeant at Law
 Sidney, W. H. M.
 Simmons, Robert, Clifton
 Searle, John
 Searle, Charles
 Smith, Henry
 Smythe, Frederick C., of Acton
 Burnell
 Smythe, John Walter, of Acton
 Burnell
 Snewing, John W., London
 Stonor, Henry, Barrister at Law
 Stapleton, Charles, Major We
 York Militia
 Smith, James, London
 Smith, James, jun., London
 Swinton, Henry, Shefford
 Smythe, Carrington, of Wootton
 House
 Spencer, John, London
 Stanfield, George, Hampstead, R.A.
 Stewart, H. Sweeting
 Sullivan, T. J., Woodchester
 Stewart, James, London, M.A.
 Story, Francis, Barnard Castle
 Taunton, Dr., Rugeley
 Tempest, Henry, of Newland Park
 Tempest, Joseph, of Ackworth
 Grange
 Taylor, Thomas Frederick, Solicitor
 Manchester
 Tidmarsh, Henry, Bath
 Thompson, Edward Healey, Clifton
 Thompson, William
 Towle, T. de Lacy, Staple Inn
 Towneley, Charles, of Towneley
 Trafford, William
 Trendal, John, Bath
 Turner, Samuel, Scarborough
 Turville, George Fortescue, of Bos
 worth Hall
 Turville, Francis Fortescue, Bos
 worth Hall
 Turville, Henry, Longworth

aughan, William, of Courtfield
 aughan, T. V., of Courtfield
 avasour, William, of Haslewood
 Castle

Valler, Henry, Barrister at Law
 Vainwright, Edward Hassop
 Vaddy, John, Cheltenham
 Vallace, William, Baslow
 Valford, Edward, Clifton, M.A.
 Wallis, John Edward, Barrister at
 Law
 Wardell, William W., Hampstead
 Wallworth, J. J., London
 Ware, T. Hibbert, Barrister at Law
 Walmesley, T. G., London
 Walmesley, W. G., of Westwood
 House
 Walmesley, Hermann
 Wareing, James, Birmingham
 Watt, George, Houghton
 Watt, John
 Ward, Francis, Clifton
 Wallis, John, Bristol
 Wayle, Samuel, Clifton
 Watson, Cuthbert
 Wilberforce, Henry W., Rugby
 Woodcock, Samuel, Solicitor, Bury
 White, Michael
 Wheble, James J., of Bulmershe
 Court

Wheble, Edmund, Clifton
 Wilson, William H. A.
 Weld, Joseph, of Lulworth Castle
 Weld, Edward Joseph, Lulworth
 Castle
 Weld, George, of Leagram
 Weld, John, Leagram
 Weld, Arthur, Leagram
 Weld, Humphrey, of Chidiock
 White, Edward, Surgeon, London
 White, Edward, jun.
 White, George
 White, William
 White, Charles
 Whitgreave, Henry, of Moseley
 Whitgreave, Francis, Rugeley
 Whitgreave, Joseph
 Whitgreave, Thomas B.
 Woollett, John, Barrister at Law
 Wilson, John, London
 Wright, John Francis, of Kelvedon
 Hall
 Wright, Edward, Richmond
 Wright, Thomas

Young, William, London
 Young, James, of Kingerby
 Young, Arthur, of Osgodby
 Young, John, Newcastle

